

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHIN-EI BOEKI, LTD.,	:	CIVIL NO. 1:00-CV-2241
	:	
Plaintiff	:	
	:	
v.	:	(Magistrate Judge Smyser)
	:	
SCOTT KAJIYA,	:	
MICHAEL W. BINGHAM,	:	
CARY BRIGGS,	:	
SIGN LANGUAGE HABITAT,	:	
and SI SCOOTER WORKS, INC.,	:	
	:	
Defendants	:	

ORDER

The background of this Order is as follows:

This case has been reassigned to this magistrate judge pursuant to the Order of January 22, 2003. The represented parties are the plaintiff and defendant Scott Kajiya. Defendant Michael Bingham was granted summary judgment by Order of January 30, 2002, but is a named defendant in the Amended Complaint filed on February 27, 2002 with leave of court.

Defendant Briggs is unrepresented, and is in default.¹

Defendant Sign Language Habitat is unrepresented and is in default. A default was entered by the Clerk of Court on July 17, 2002. Defendant SI Scooter Works, Inc. is unrepresented and is in default.²

The exercise by a magistrate judge of Article III jurisdiction through the parties' consent provided for in 28 U.S.C. § 636(c) is not provided for as to only a portion of the claims in a civil action. The exercise of trial court jurisdiction over the claims of the plaintiff here against one defendant would not dispose of the civil action, and a non-consenting party defendant may have valid grounds to object to a separate trial against that defendant. The plaintiff may dismiss its claims as to non-consenting parties, and of course currently unrepresented parties, all of whom are in default, may consent. To this end, as discussed at the conference of

¹No default has been entered.

²No default has been entered.

March 17, 2003, a thirty day period will be permitted for counsel to explore whether the consent of all parties can be achieved.

IT IS ORDERED that, on or before **April 18, 2003**, the parties shall file a written signed statement of the consent of all parties in the case to proceed before a United States Magistrate Judge to trial or, in the alternative, shall file a statement that not all parties consent to proceed before a magistrate judge to trial.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: March 19, 2003.